

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

## FINAL EXAMINATION

TRIMESTER 2, 2021/2022

### UJP 3712 – JURISPRUDENCE

(All sections/Groups)

25 APRIL 2022

Reading Time: 9:00 a.m. – 9:15 a.m.

(15 Minutes)

Answering Time: 9.15 a.m. – 12.15 p.m.

(3 Hours)

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#### INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of **3 pages** with **5 Questions** only.
3. Attempt **ALL** Questions from **Part A**. Answer **TWO** Questions from **Part B**. The distribution of the marks for each question is given.
4. Students are not allowed to bring in any statute into the Examination.
5. Please write all your answers in the Answer Booklet provided.

**PART A**

(Attempt **ALL Questions** from this Part)

**QUESTION 1**

It can be said that modern conception of natural law includes the conservation of natural resources.

Explain John Locke's *Proviso* ("enough, and as good, left in common for others") and John Rawls's Just Savings Principle in relation to the conservation of natural resources.

(Total: 20 Marks)

**QUESTION 2**

Discuss the fundamental elements of John Austin's "Command Theory of Law" and some of the perceived shortcomings of this theory.

(Total: 20 Marks)

**Continued...**

## **PART B**

(Answer **TWO Questions** from this Part)

### **QUESTION 3**

“Then Snowball took a brush between the two knuckles of his trotter, painted out MANOR FARM from the top bar of the gate and in its place painted ANIMAL FARM. This was to be the name of the farm from now onwards. After this they went back to the farm buildings, where Snowball and Napoleon sent for a ladder which they caused to be set against the end wall of the big barn. They explained that by their studies of the past three months the pigs had succeeded in reducing the principles of Animalism to Seven Commandments. These Seven Commandments would now be inscribed on the wall; they would form an unalterable law by which all the animals on Animal Farm must live for ever after. With some difficulty (for it is not easy for a pig to balance himself on a ladder) Snowball climbed up and set to work, with Squealer a few rungs below him holding the paint-pot. The Commandments were written on the tarred wall in great white letters that could be read thirty yards away.

#### **THE SEVEN COMMANDMENTS:**

1. Whatever goes upon two legs is an enemy.
2. Whatever goes upon four legs or has wings, is a friend.
3. No animal shall sleep in a bed.
4. No animal shall drink alcohol.
5. No animal shall kill other animal.
6. No animal shall wear clothes.
7. All animals are equal.

“It was very neatly written, and except that ‘friend’ was written ‘freind’ and one of the ‘S’ was the wrong way round, the spelling was correct all the way through. Snowball read it aloud for the benefit of the others. All the animals nodded in complete agreement, and the cleverer ones at once began to learn the Commandments by heart.” (Orwell)

Critically evaluate the validity of the seven commandments in relation to Lon Fuller’s ‘internal morality of law’ and in reference to the story of King Rex.

(Total: 30 Marks)

**Continued ...**

**QUESTION 4**

According to Oliver Wendell Holmes Jr, “[t]he prophecies of what the courts will do in fact and nothing more pretentious are what I mean by law.”

Analyse the differences between rule-scepticism and fact-scepticism in the American Legal Realism as pioneered by Holmes.

(Total: 30 Marks)

**QUESTION 5**

H.L.A. Hart did not see the necessity of relating law with morality. In particular, Hart does not agree with Devlin’s idea of shared morality.

Critically analyse the relationship between law and morality based on Hart’s theory.

(Total: 30 Marks)

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